Storm Water Inspection and Enforcement

Presented by:

Melanie Pallman

EPA Region 8

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Focus of this presentation

- What EPA looks at during inspections

- Photos of actual Best Management Practices (BMPs)

- Overview of EPA's Storm Water enforcement program

EPA Inspection Procedures

- Inspections are generally unannounced
- May include State, County, and/or City personnel
- Opening Conference
- Records/Document Review
- Site Inspection
- Closing Conference

Opening Conference

- Introductions and presentation of credentials

- Purpose of the inspection

- Discussion of plan for inspection (records review, site inspection, closing conference)

Records/Document Review

- Review of storm water permit coverage

- Review of Storm Water Pollution Prevention Plan (SWPPP)

- Review of facility inspection records

- Review of other facility records (precipitation records, training records, etc.)

Site Inspection

- Observation of installation and maintenance of BMPs and stabilization practices

- Comparison of BMPs to the Storm Water Pollution Prevention Plan

- Observation regarding effectiveness of BMPs

- General site control issues (run-on controls, uncontrolled areas, etc.)

Site entrance:
No off-site tracking controls

Site entrance stabilized with Rock – Partially Effective

Site entrance:
Stabilization with Rock - Effective

5. 16. 2002

Entrance Sediment Controls: Wheel Wash

No control in place to keep sediments on site

Erosion Controls:
Surface Roughening – Partly Effective

Best in Combination w/other BMPs

Erosion Controls: Mulch

- **Can be a very effective control**

- **Needs to be crimped in**

Erosion Controls: Erosion Control Blankets (Here: Straw Matting)

- May be much more effective than mulch on steeper slopes & in windy areas

Improperly Installed Silt Fence

Silt Fence Doing Its Job,
But Not Being Maintained

A well-installed silt fence

Well-planned concrete washout area…

Unprotected inlet

Another unprotected inlet – urban area

Closing Conference

- Summary of Inspection Observations and Initial Findings

- Discussion of next steps (report, etc.)

- Compliance assistance materials may be provided if relevant to site and site observations

Storm Water Compliance and Enforcement

- EPA selects from a "tool box" for compliance and enforcement
- Different tools are used depending upon the nature of the deficiencies and/or violations

Compliance Assurance Tools

- Compliance Assistance (work shops, phone calls, web site, on-site compliance assistance)

- Information gathering to determine compliance (inspections, requests for information)

- Compliance Assurance (follow up to inspection reports, re-inspection, etc.)

Enforcement Tools

- Informal Enforcement (warning letters, notices of violation)

- Formal Enforcement (Administrative Orders which require compliance, Administrative Penalty Complaints, referrals to the Department of Justice)

Administrative Order

- Require a facility to take certain actions to get into compliance (usually contain a compliance schedule and require reporting from the facility)

- Do not contain a penalty

- Failure to comply may result in penalties

- May be followed by a separate penalty action

EPA Storm Water Penalty Authority

- EPA may seek up to $32,500 per day per violation

- Current maximum for an Administrative Penalty Complaint is $152,500

- Penalties above $152,500 are sought through a judicial referral to the Department of Justice

Storm Water Penalties

- Site specific penalty calculation is performed based upon the type and duration of the violations at the site

- The actual and/or potential impact to the environment is part of the calculation

- EPA also considers the avoided cost for failure to install storm water controls, failure to maintain controls, failure to apply for permit coverage, etc.

EPA Storm Water Enforcement

- EPA settled a national case against Wal-Mart for storm water violations; the penalty collected was $3.1 million for 24 sites

- Region 8 has collected $426,256 from 12 companies for violating storm water regulations at 7 Colorado sites

Storm Water Information

- http:/cfpub.epa.gov/npdes/stormwater/swppp.cfm

- Handout of various websites for storm water

- Handouts on best management practices

- Copies of Storm Water Phase II Final Rule

EPA Region 8 Storm Water Contacts

Colleen Gillespie

800-227-8917 X6047

Gillespie.Colleen@epa.gov

Darcy O'Connor

800-227-8917 X6392

Oconnor.Darcy@epa.gov